

REMARKS

In an Office Action dated 3 July 2006, the Examiner rejects claims 1-44 (all pending claims). In response to the Office Action, Applicants amend claims 1, 12, 23, and 34 and cancel claims 9-11, 20-22, 31-33, and 42-44. Applicants also respectfully traverse the rejections. Claims 1-8, 12-19, 23-31, and 34-41 remain in the application. In light of the amendments and the following arguments Applicants respectfully request that this application be allowed.

Applicants have amended the claims to more precisely claim the subject matter that Applicants regard as this invention. No new matter is entered by these amendments.

Furthermore, Applicants have amended the pending claims to more accurately reflect what the applicants regard as this invention. Specifically, Applicants have amended the claims to cancel all claims that recite steps executed by a server. For this reason the rejections of claim 9-11, 20-22, 31-33, and 42-44 must be removed.

In the Office Action, the Examiner rejects claim 1 under 35 U.S.C. §103 as being unpatentable over U.S. Patent 6,807,184 B1 issued to Gutknecht et al. (Gut) in view of U.S. Patent number 5,732,071 issued to Saito et al. (Saito). In order to maintain a rejection the Examiner has the burden of providing evidence of prima facie obviousness. See MPEP §2143. See also In Re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). In order to prove prima facie obviousness, the Examiner must provide evidence in the prior art of a motivation to combine or modify a reference, a reasonable expectation of success, and a teaching of each and every claimed element. *Id.* The Examiner has failed to provide a reference that teaches all the elements of claim 1.

Amended claim 1 recites a client system that selects a MAC address, then monitors advertisements to see if another client is requesting the address and then sends

an advertisement for the selected address if no other device is requesting the address. Gut does not teach these limitations. Instead, Gut merely states when a client wants to transmit over the network, the client selects a MAC address and other parameters from a network address translator. Col. 5, lines 5-15. The client then sends a lease request to a server which uses a memory to grant or deny the lease. See Col. 5, lines 4-10. There is no mention of monitoring other communications first to determine whether the selected address is being used in another device. The present invention recites monitoring broadcasts prior to sending an advertisement to avoid collisions and speed up connection time for devices. Applicants have read the entirety of Gut and can find no teaching whatsoever of monitoring a network after selecting a MAC address to determine whether another device is requesting the address.

Saito also does not teach the elements of selecting a MAC address, monitoring advertisements from other devices to determine whether the selected address has been requested by another device and then transmitting a request for the address in response to determine that another device is not requesting the selected address. Instead, Saito teaches a bridge device that registers MAC addresses received on either side of the bridge. See Abstract. When the bridge receives an advertisement for a MAC address, the bridge first checks the side of the bridge that received the request and then the second side afterward. See Col. 6, line 19-30 and Col. 8, lines 21-24. Thus, there is no teaching of transmitting a request after it is determined that the address is not being requested by a second device by monitoring the advertisements frames and the response frames as all of the processes disclosed in Saito are performed by a bridge device in a network. Thus, There is no disclosure in Saito of clients providing any process let alone the elements recited in amended claim 1. Thus Saito does not teach processes performed by a client recited in amended claim 1.

Since neither Saito nor Gut teaches any of the limitations of amended claim 1, the combination of the two references does not teach any of the combinations of claim 1. Thus, amended claim 1 is allowable over the references and Applicants respectfully request that the rejection of claim 1 be removed and amended claim 1 be allowed.

Claims 2-8 depend from amended claim 1. Thus, claims 2-8 are allowable for at least the same reasons as amended claim 1. Therefore, Applicants respectfully request that the rejections of claims 2-8 be removed and claims 2-8 be allowed.

Amended claim 12 recites a client system that performs the method of claim 1. Thus, claim 12 is allowable for at least the same reasons as amended claim 1. Therefore, Applicants respectfully request that the Examiner remove the rejection of claim 12 and allow amended claim 12.

Claims 13-19 depend from amended claim 12. Thus, claims 13-19 are allowable for at least the same reasons as amended claim 12. Therefore, Applicants respectfully request that the rejections of claims 13-19 be removed and amended claims 13-19 be allowed.

Amended claim 23 recites a client system that performs the method of claim 1. Thus, amended claim 23 is allowable for at least the same reasons as amended claim 1. Therefore, Applicants respectfully request that the Examiner remove the rejection of claim 23 and allow amended claim 23.

Claims 24-30 depend from amended claim 23. Thus, amended claims 24-30 are allowable for at least the same reasons as amended claim 23. Therefore, Applicants respectfully request that the rejections of claims 24-30 be removed and amended claims 24-30 be allowed.

Amended claim 34 recites client system software that performs the method of claim 1. Thus, amended claim 34 is allowable for at least the same reasons as amended

claim 1. Therefore, Applicants respectfully request that the Examiner remove the rejection of claim 34 and allow amended claim 34.

Claims 35-41 depend from amended claim 34. Thus, claims 35-41 are allowable for at least the same reasons as amended claim 34. Therefore, Applicants respectfully request that the rejections of claims 35-41 be removed and amended claims 35-41 be allowed.

If the Examiner has any questions regarding this response or the application in general, the Examiner is invited to telephone the undersigned at 775-586-9500.

Respectfully submitted,
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